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July 3, 2023

Via ECF

The Honorable Analisa Torres
U.S. District Court for the Southern District of New York
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street
New York, NY 10007

Re: *Goodman v. Bouzy, et al.*, Case No. 1:21-cv-10878-AT-JLC

Dear Judge Torres:

Pursuant to Rule 59(e) of the Federal Rules of Civil Procedure and Rule I.B. of Your Honor's Individual Practices in Civil Cases, we respectfully submit this letter motion on behalf of Defendants Christopher Bouzy, Bot Sentinel Inc., Seth Berlin, and Maxwell Mishkin (the "Bouzy Defendants") to request that the Court narrowly alter or amend its June 28, 2023 Order (the "Order"), ECF 238, to expand the filing injunction this Court entered against Plaintiff Jason Goodman to include the Bouzy Defendants under its protection.

As the Court is now familiar, Goodman filed this lawsuit against the Bouzy Defendants and others asserting frivolous claims of "fraud, defamation, abuse of process, and civil conspiracy." Order at 1. Goodman subsequently moved for sanctions under Rule 11 against three of the Bouzy Defendants after undersigned counsel sent Goodman a pre-motion letter respectfully requesting that he voluntarily dismiss his claims. ECF 86. Because that sanctions motion was itself frivolous and an improper use of litigation as a tool of harassment, in opposing the motion those Bouzy Defendants asked the Court to award their reasonable fees and costs. ECF 94. The Bouzy Defendants later also moved to dismiss Goodman's amended complaint, with prejudice, for failure to state a claim. ECF 106.

This Court referred those pending motions, and others, to the Honorable James L. Cott. ECF 169. Judge Cott subsequently recommended, *inter alia*, that the Court grant the Bouzy Defendants' motion to dismiss and deny Goodman's motion for sanctions, although without awarding the Bouzy Defendants their requested fees and costs. ECF 203. Undeterred, Goodman objected, ECF 212, threatened all of the alleged "co-conspirators" that he will see them "sent to prison if it takes the rest of [his] life to accomplish that," ECF 217-1, and crowed that, even though he lost, he had forced the Bouzy Defendants to expend money and resources defending against his claims, ECF 217. This Court overruled Goodman's objections, but denied the Bouzy Defendants' renewed request for fees and costs

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as a deterrent against continued misuse of the court system to harass them. In so doing, the Court relied on its conclusion that “the filing injunction recommended by Judge Cott is a sufficient remedy at this time,” even though that filing injunction does not extend to the Bouzy Defendants. Order at 7. Because that filing injunction was not expressly extended to the Bouzy Defendants, and applied only to defendants Benjamin Wittes and Nina Jankowicz, the Bouzy Defendants respectfully request that the Court modify its order to do so, including because that injunction was the ostensible basis for denying their request for fees and costs and for deterring Goodman from filing further meritless proceedings.

In support of their request, the Bouzy Defendants hereby incorporate the arguments made by Defendants Wittes and Jankowicz in support of their motion for sanctions (ECF 172) and those made by Defendants Adam Sharp, Margaret Esquenet, and Academy of Television Arts & Sciences in support of their motion to amend (ECF 242), which similarly asks this Court to include them under the filing injunction’s protections.

Thank you for your consideration of this matter. If Your Honor has any questions or needs any additional information, we would be pleased to provide it.

Respectfully submitted,

BALLARD SPAHR LLP

By: /s/ Seth D. Berlin

Seth D. Berlin (SB7978)

Maxwell S. Mishkin (*pro hac vice*)

cc: Counsel of record (via ECF)
Unrepresented parties (via email and U.S. Mail)

CERTIFICATE OF SERVICE

I hereby certify that on this 3rd day of July 2023, I caused a true and correct copy of the foregoing letter to be served by email and U.S. Mail First Class on the following:

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